

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re: DMCA Subpoena to Shopify Inc.

Case No. 19-mc-14

**Freebird Stores, Inc.’s Request to the Clerk for
Issuance of Subpoena to Shopify, Inc. Pursuant
to 17 U.S.C. § 512(h) to Identify Alleged
Infringer**

Petitioner, Freebird Stores, Inc. (“Freebird”), through their undersigned counsel of record, requests that the Clerk of this Court issue a subpoena to Shopify Inc. (“Shopify”) to identify alleged copyright infringers, pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “DMCA Subpoena”). A proposed DMCA Subpoena is attached.

Freebird has satisfied the requirements of the issuance of a subpoena pursuant to 17 U.S.C. § 512(h) by:

- (1) Filing a copy of the notifications sent to Shopify, pursuant to 17 U.S.C. § 512(c)(3)(A), attached to the Declaration of Adam Sherman as Exhibit 1;
- (2) Filing the proposed DMCA Subpoena; and
- (3) Filing a sworn declaration confirming that the purpose of the DMCA Subpoena is to obtain the identity of the alleged infringers and that the information obtained will only be used for the purpose of protecting Freebird’s rights under 17 U.S.C. § 101, *et seq.*

As Freebird has complied with the statutory requirements, Freebird respectfully requests that the Clerk issue the proposed DMCA subpoena, pursuant to 17 U.S.C. § 512(h)(4).

Dated: September 11, 2019

Respectfully submitted,

/s/ Adam Sherman

Adam C. Sherman (0076850)

Vorys, Sater, Seymour and Pease LLP

301 East Fourth Street, Suite 3500

Cincinnati, OH 45202

Phone: (513) 723-4680

Fax: (513) 723-8598

Email: acsherman@vorys.com

Counsel for Freebird Stores, Inc.